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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,455	07/24/2003	Andrei V. Sinyugin		9140
<div>Ilya Zborovsky 6 Schoolhouse Way Dix Hills, NY 11746</div>				
7590		03/04/2008	<div>EXAMINER ZUBAJLO, JENNIFER L</div>	
			ART UNIT	PAPER NUMBER
			2629	
			MAIL DATE	DELIVERY MODE
			03/04/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/625,455

Applicant(s)

SINYUGIN ET AL.

Examiner

Jennifer Zubajlo

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: References to figures 2 and 3 in paragraphs [0036]-[0038] and [0042] are incorrect. Applicant refers to figure 3 when elements as shown in figure 2 are described and Applicant refers to figure 2 when elements in figure 3 are described.

Appropriate correction is required.

Requirement for information under 37 CFR 1.105

2. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application. Magazine: RADIO number 11, 1983, pages 52-54; Publication: SU 1 775 878; and Publication: RU2006191 are referred to in the specification under Background of the Invention (see [0002]-[0007]) but copies of these known documents have not been submitted nor has an Information Disclosure Statement been submitted. Also, Magazine: RADIO, 1990, number 11, pages 65-66; Publication: "Assistance to Radio Fans", issue 104, 1989, pages 51-59; Publication: SU 1,236,539; Patent: US 6,340,868; and Patent: US 6,211,626 are referred to in the specification under Summary of the Invention (see [0015]-[0016]) but copies of these known documents have not been submitted nor has an Information Disclosure Statement been submitted. Also, V.M.Glushkov. Introduction into Cybernetics, Kiev, AN

USSR 1964, page 324 is referred to in the specification under Summary of the Invention (see [0045]) but copies of this known document has not been submitted nor has an Information Disclosure Statement been submitted.

In response to this requirement, please provide a copy of each of the following items of art referred to in Applicant's Specification (see [0002] - [0007], [0015] – [0016], and [0045]).

In response to this requirement, please provide the title, citation and copy of each publication that is a source used for the description of the prior art in the disclosure. For each publication, please provide a concise explanation of that publication's contribution to the description of the prior art.

This requirement is an attachment of the enclosed Office action. A complete reply to the enclosed Office action must include a complete reply to this requirement. The time period for reply to this requirement coincides with the time period for reply to the enclosed Office action.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 5, and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 1 recites the limitation "the processors" in line 9 and "said modules".

There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites "the group" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites "the power source" in lines 4-5, "the performance" in lines 9-10, "the light intensity" in lines 15-16. There is insufficient antecedent basis for this limitation in the claim.

6. As to claim 1, it is unclear what is meant by "their operation". What operation is this referring to? For examination purposes, Examiner assumes "their operation" is referring to the operation of the keys (switches).

As to claim 6, it is unclear what is meant by "their intensity" and "these actions". What is "their intensity" and "these actions" referring to? For examination purposes, Examiner assumes "their intensity" is referring to the intensity of the light sources and "these actions" is referring to the sequence of actions described. Also, "N subprograms", "i-th number", "i-numbers", "i<N", "i-th subprogram", "sequence N", "Mi digital words", "L bytes", "j-th sequence" are not clearly defined. For examination purposes, Examiner assumes these letters represent positive whole numbers.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 6 fails to fall within a statutory category of invention (Machine, Manufacture, and Composition of Matter). The claims are not directed to a process within the meaning of 101, since it's not a series of steps or acts being performed, but instead a program which executed cause a series of process steps or acts to occur.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over John C. Pederson (Pub. No.: US 2002/0105432 A1) Frederick Marshall Morgan (Pub. No.: US 2003/0076281 A1).

As to claim 1, Pederson teaches a device for dynamic illumination, comprising groups of light sources; a power supply source, each of said groups of light sources is formed as a light-emitting module which includes light diodes selected from the group consisting of one light diode and several light diodes (see [0061], [0289], [0368], [0377]), electronic keys corresponding to said light diodes for power supply of said light diodes through resistors (see [0242]), a processor containing control programs for controlling brightness and color of said light diodes in time, for controlling said electronic keys and interaction of the processors including synchronization of their operation (see

[0075], [0082], [0241]-[0242], and [0320]), wherein said modules are united in three-dimensional structures (see [0371] and figures 4, 5, 6, 8, 12), said modules having inputs which are electrically connected with one another and outputs which are grounded (see figures 11A, B, and C).

Pederson does not directly teach ballast resistors or the use of a method of frequency-pulse modulation.

Morgan teaches a processor containing control programs for controlling brightness and color of said light diodes in time with the use of a method of frequency-pulse modulation (see [0019], [0027], [0107], and [0111]).

Note that Examiner is taking **Official Notice** of the use of ballast resistors to replace the resistors described in Pederson. It is well known to one skilled in the art to replace a regular resistor with a ballast resistor.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of a method of frequency-pulse modulation taught by Morgan into the device for dynamic illumination taught by Pederson in order to avoid flicker.

As to claim 2, the combination of Pederson and Morgan teach a device as defined in claim 1 (see above rejection). Pederson also teaches further comprising an external power source for power supply of the device (see [0061]).

As to claim 3, the combination of Pederson and Morgan teach a device as defined in claim 1 (see above rejection). Pederson also teaches wherein at least one of said modules has an independent power source (see [0373], [0375], and [0377]).

As to claim 4, the combination of Pederson and Morgan teach a device as defined in claim 1 (see above rejection). Morgan also teaches wherein at least one of said modules includes at least one signal sensor (see [0130]).

As to claim 5, the combination of Pederson and Morgan teach a device as defined in claim 4 (see above rejection). Morgan also teaches wherein said at least one signal sensor is a sensor selected from the group consisting of a temperature sensor and a pressure sensor (see [0130], [0289], [0295]-[0297], [0314], [0338], [0361], [0399]).

As to claim 6, the combination of Pederson and Morgan teach a device as defined in claim 1 (see above rejection). Any properly programmed processor can perform the functions described in claim 6 (see Morgan [0027], [0107], and [0111]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER ZUBAJLO whose telephone number is (571)270-1551. The examiner can normally be reached on Monday-Friday, 8 am - 5 pm, EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on (571) 272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JZ
2/27/08


AMARE MENGISTU
SUPERVISORY PATENT EXAMINER